

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>****I. EXECUTIVE SUMMARY**

Date of Incident:	May 20 <sup>th</sup> , 2015
Time of Incident:	01:05 am
Location of Incident:	XXXX S. Newcastle Avenue
Date of COPA Notification:	June 23 <sup>rd</sup> , 2015
Time of COPA Notification:	08:08 pm

On 20 May 2015, at an unknown time, the complainant, Subject 1, telephoned the Crisis Line in Maywood, Illinois, and reported that her husband was beating her and asked that they call 911. The call-taker, “Call-taker A,” could hear a male voice (now known to be Sergeant A) yelling that Subject 1 was drunk. Another female voice (now known to be Subject 1’s daughter) was heard yelling for everyone to go to sleep. At 0117 hours “Call-taker 1” telephoned 911 and relayed the aforementioned information. On-duty police personnel responded to the XXXX home and after speaking Subject 1, Sergeant A, and their two daughters, it was determined that Subject 1 battered Sergeant A, who suffered scratches and redness to his face and neck. Subject 1 was not injured and both she and Sergeant A refused medical attention. No arrests were made but the officers generated a Case Report (RD#XXXXXX) for Simple Domestic Battery, listing Subject 1 as the offender and Sergeant A as the victim. Detective A requested the case be classified as Exceptionally Clear Closed Refusal to Prosecute based on the victim’s unwillingness to pursue criminal charges.

**II. INVOLVED PARTIES**

Involved Officer #1:	Sergeant A; Star #XXXX; Employee #XXXX; XX/XX/1986; Rank: Sergeant; Unit of Assignment: XXX; DOB: XX/XX/1964; Gender: Male; Race: White.
Involved Officer #2:	Detective A, Star #XXXX; Employee #XXXX; XX/XX/1986; Rank: Detective; Unit of Assignment: XXX; DOB: XX/XX 1959; Gender: Female; Race: White.

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Involved Officer #3:	Sergeant B; Star #XXXX; Employee #XXXX; XX/XX/1999; Rank: Sergeant; Unit of Assignment: XXX; DOB: XX/XX 1976; Gender: Female; Race: White.
Involved Officer #4:	Lieutenant A, Star #XXXX; Employee #XXXX; XX/XX/1996; Rank: Lieutenant; Unit of Assignment: XXX; DOB: XX/XX/1971; Gender: Male; Race: White.
Subject #1:	Subject 1; Address: XXXX S. Newcastle Avenue; Tele: XXX-XXX-XXXX; DOB: XX/XX/1958; Gender: Female; Race: White.

### III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant A	1. Threw her to the floor in violation of Rule #8. 2. Struck her about her body in violation of Rule #8.	No Affidavit. No Affidavit.
Detective A	1. Was assigned to RD#XXXXX and failed to follow up with her in violation of Rule #5.	No Affidavit.
Sergeant B	1. See Mediation Agreement.	
Lieutenant A	1. Failed to Initiate a Complaint Register Investigation after being made aware of allegations of misconduct against off-duty CPD Sergeant A 2. Failed to complete an Initiation Report regarding the allegations of misconduct by off-duty CPD Sergeant A 3. Failed to provide police service in that he did not ensure that General Order 08-01-02 was followed.	Not Sustained Not Sustained Not Sustained

#### **IV. APPLICABLE RULES AND LAWS**

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##### Rules

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1. Rule #5: Failure to perform any duty.
2. Rule #8: Disrespect or Maltreatment of any person, while on or off duty.
- 3.

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##### General Orders

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1. General Order 04-04: Domestic Incidents.
2. General Order 08-01-02: Specific Responsibilities Regarding Allegations of Misconduct.
- 3.

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##### Special Orders

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- 1.
- 2.
- 3.

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##### Federal Laws

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- 1.
- 2.
- 3.

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##### State Laws

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- 1.
- 2.
- 3.

## V. INVESTIGATION<sup>2</sup>

### a. Interviews

The complainant, **Subject 1**<sup>3</sup>, declined to cooperate with this investigation, and on 30 June 2015 Subject 1 signed a Drop Complaint Form.

In her statement to IPRA on 30 November 2015, **Sergeant B**<sup>4</sup> stated that while she was still at the Subject 1's home she used her cell phone to call Lieutenant A and notify him that Sergeant A was involved in a domestic altercation with Subject 1.

In a statement to IPRA on 16 December 2015, **Lieutenant A**<sup>5</sup> confirmed that on the night of this incident Sergeant B telephoned him and informed him that Sergeant A was the victim and that Subject 1 was the aggressor of their domestic altercation. Lieutenant A stated that Sergeant B believed he needed to respond to the XXXX's home regarding the domestic disturbance, but he told her because he was the only on-duty Lieutenant in the XXX<sup>th</sup> District, she should handle the situation. Lieutenant A also told Sergeant A that if Sergeant A needed to be given a direct order then he would respond to the XXXX home or she could relocate all parties to the XXX<sup>th</sup> District Station.

### b. Digital Evidence

Not Applicable.

### c. Physical Evidence

Not Applicable.

### d. Documentary Evidence

Not Applicable.

### e. Additional Evidence

A review of **Sergeant B cell phone records** discovered that on 20 May 2015, at 0151 and 0209 hours, Sergeant B telephoned the XXX<sup>th</sup> District Station (XXX-XXX-XXXX). (Att. 27)

## VI. ANALYSIS

The R/I recommends that **Allegation #1**; that off-duty **Sergeant A**, threw Subject 1 to the

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Attachment #19.

<sup>4</sup> Attachments 26, 36.

<sup>5</sup> Attachments 34, 35.

floor in violation of Rule #9; be closed **No Affidavit**. The complainant, Subject 1, declined to cooperate with this investigation, and subsequently signed a Drop Complaint Form.

The R/I recommends that **Allegation #2**; that off-duty **Sergeant A**; struck Subject 1 about her body in violation of Rule #9; be closed **No Affidavit**. The complainant, Subject 1, declined to cooperate with this investigation, and subsequently signed a Drop Complaint Form.

The R/I recommends that **Allegation #1**; that **Detective A**; was assigned to RD#XXXX and failed to follow up with her in violation of Rule #3; be closed **No Affidavit**. The complainant, Subject 1, declined to cooperate with this investigation, and subsequently signed a Drop Complaint Form.

#### **Allegations 1-2 against Sergeant B – See Mediation Agreement.**

The R/I recommends that **Allegations 1 - 3**, that Lieutenant A; failed to Initiate a Complaint Register Investigation after being made aware of allegations of misconduct against off-duty CPD Sergeant A, failed to complete an Initiation Report regarding the allegations of misconduct by off-duty CPD Sergeant A, and failed to provide police service in that he did not ensure that General Order 08-01-02 was followed; be Not Sustained. Lieutenant A stated that Sergeant B called him at the XXX<sup>th</sup> District Station and informed him that Sergeant A was the victim of the domestic altercation with his wife, Subject 1. Lieutenant A stated that Sergeant B believed he needed to respond to the XXXX's home regarding the domestic disturbance, but Lieutenant A stated that because he was the only on-duty Lieutenant in the XXX<sup>th</sup> District Station, he told her because he was the only on-duty Lieutenant in the XXX<sup>th</sup> District, she should handle the situation. Lieutenant A also told Sergeant B that if Sergeant A needed to be given a direct order then he would respond to the XXXX home or she could relocate all parties to the XXX<sup>th</sup> District Station. Lieutenant A stated that Sergeant B did not call him again, or seek his advice, regarding the situation with the XXXX.

## **VII. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Sergeant A	1. Threw her to the floor in violation of Rule #8. 2. Struck her about her body in violation of Rule #8.	No Affidavit No Affidavit
Detective A	1. Was assigned to RD#XXXXX and failed to follow up with her in violation of Rule #5.	No Affidavit
Sergeant B	1. See Mediation Agreement.	

Lieutenant A	<ol style="list-style-type: none"><li>1. Failed to Initiate a Complaint Register Investigation after being made aware of allegations of misconduct against off-duty CPD Sergeant A</li><li>2. Failed to complete an Initiation Report regarding the allegations of misconduct by off-duty CPD Sergeant A</li><li>3. Failed to provide police service in that he did not ensure that General Order 08-01-02 was followed.</li></ol>	Not Sustained
		Not Sustained
		Not Sustained

Approved:

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Deputy Chief Administrator A

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#: XX</b>	
<b>Major Case Specialist A</b>	
<b>Supervising Investigator A</b>	
<b>Deputy Chief Administrator A</b>	